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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,) Civil Action No. C-06-5356 SI
Plaintiff,)) STIPULATION AND PROTECTIVE
and)) ORDER REGARDING PERSONNEL
ABDELLATIF HADJI,)) FILES
Plaintiff-Intervenor)) FRCP 26(c)(1)
v.)
ALBION RIVER INN, INC.,)
Defendant.)

)

This Stipulation and Protective Order (“Order”) is entered into between Plaintiff Equal Employment Opportunity Commission (“EEOC”), Intervener Abdellatif Hadji and Defendant Albion River Inn, Inc. (“Albion”).

The purpose of this Order is to protect against the disclosure of records contained in employee personnel files which the parties may produce in connection with the prosecution, defense, or settlement of this action.

Subject to the approval of this Court, all parties hereby stipulate to the following protective order:

1. During the course of this litigation, the parties may produce records relating to

1 employee personnel files which could potentially contain private and/or confidential information.
2 Such documents may be stamped, prior to their production, with the word "CONFIDENTIAL"
3 on every page, which shall make the document and/or the pages thereof subject to this
4 Stipulation and Protective Order.

5 2. Any document marked "CONFIDENTIAL" shall not be used for any purpose
6 except in connection with this litigation, including as exhibits in: hearings, motion papers and at
7 trial.

8 3. Any document marked "CONFIDENTIAL" shall not be delivered or exhibited in
9 whole or in part except to: (a) the parties in this case; (b) counsel of record for the parties in this
10 case; (c) persons regularly employed by plaintiff's or defendant's counsel; (d) mediators or other
11 settlement neutrals; (e) court reporters; (f) expert witnesses and consultants who are assisting
12 counsel in the preparation of this action for trial; or, (g) witnesses in depositions or at trial.

13 4. Any person to whom delivery or exhibition of such documents is made shall be
14 subject to the provisions of this stipulation and order. Persons to whom delivery or exhibition of
15 the confidential documents is made, except for counsel of record for plaintiff or defendant, will
16 be given a copy of this Stipulation and Order prior to delivery or exhibition of the confidential
17 document, and shall be required to certify in writing, using Exhibit A hereto, that they will not
18 deliver or exhibit the confidential document, or disclose the information contained therein, to
19 other persons, except as provided in paragraph 4. Counsel shall retain the originals of these
20 written certifications.

21 5. Regardless of which party to this action makes the designation of
22 "CONFIDENTIAL" on employee personnel file records, the parties agree that the individual
23 employee whose personnel file has been designated "CONFIDENTIAL" may waive such
24 confidentiality by written notice to all parties, at which point the file or any documents therefrom
25 need no longer be treated as "CONFIDENTIAL" pursuant to this order, and may be treated as
26 any other document produced in the course of this litigation.

27 6. Within sixty (60) days after the conclusion of this litigation and the time available
28 for appeals related to this litigation, counsel for Defendant and/or counsel for Intervenor shall

1 return to counsel for the party which produced the record, or destroy, at the option of the
2 producing party, the originals and all copies of any personnel file records which have been
3 produced and were marked "CONFIDENTIAL" pursuant to this order. Plaintiff EEOC, due to
4 its obligations regarding the preservation of government records will not return any documents so
5 marked, but will segregate them with instructions that should such files be requested pursuant to
6 the Freedom of Information Act or other legal proceeding, Plaintiff EEOC will inform the party
7 which originally produced the documents of the request and allow said party ten (10) business
8 days to raise any objection to the disclosure of the documents.

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10 Dated: April 5, 2007

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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By _____/s/
Cindy O'Hara
Attorney for Plaintiff EEOC

Dated: April 5, 2007

CHAPMAN, POPIK & WHITE LLP

By _____/s/
G. David Nied
Raquel Lacayo-Valle

Attorneys for Intervenor Abdellatif Hadji

Dated: April 5, 2007

LAW OFFICES OF RAYMOND ERLACH

By _____/s/
Raymond N. Erlach

Attorneys for Defendant Albion River Inn, Inc.

ORDER

It is so ordered.

Dated: _____



United States District Court Judge

ATTACHMENT A

AGREEMENT TO COMPLY WITH STIPULATED PROTECTIVE ORDER

3 I declare under penalty of perjury under the laws of the United States of America and the
4 State of California that I have read and agree to comply with and be bound by the terms of the
5 Stipulation and Protective Order Regarding Personnel Files entered into in *EEOC and Abdellatif*
6 *Hadji v. Albion River Inn, Inc.*, NDCA Civil Action No. C-06-5356 SI. I hereby consent to the
7 jurisdiction of said Court for purposes of enforcing this Order.

8 Date: _____

Signature

Print Name

Title